

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-3, 5-8, 11 and 12 are currently pending. Claims 1-3, 5-8, 11 and 12 have been amended. Claims 4, 9 and 10 were canceled via a prior amendment. No new matter has been added. Reconsideration is respectfully requested.

With regard to the outstanding rejection, claims 1-3, 5-8, 11 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,263,136 to Knouse et al. (Knouse). This rejection is respectfully traversed in view of the preceding amendments and the remarks that follow.

In particular, all of the claims have been amended to positively recite that the appliance is part of the claimed invention and now must be given weight.

Claim 1 has been amended so as to define an ergonomic handle offering users a choice of horizontally or vertically gripping an appliance attached thereto. The handle includes a first handle member shaped and dimensioned for gripping by an individual. The first handle member has a first longitudinal axis, a first end and a second end. A second handle member is also provided. The second handle member is shaped and dimensioned for gripping by an individual. The second handle member has a second longitudinal axis, a first end and a second end. The first end and the second end of the second handle member are provided with reduced diameters when compared to a central portion of the second handle member. The first end and second end of the second handle member are shaped and dimensioned to accommodate the palms and fingers of a user's hand. The first handle member and the second handle member are connected such that the second longitudinal axis of the second handle member is oriented approximately perpendicular relative to the first

longitudinal axis of the first handle member. The first end of the first handle member is connected to the second end of the second handle member, the second end of the first handle member is free and unconnected to the appliance and the first end of the second handle member is connected directly to the appliance with the appliance extending downwardly therefrom along the first longitudinal axis of the first handle member.

In contrast to the claimed invention, Knouse discloses a handle structure for a portable saw. The handle structure includes handle members 10 and 12. However, the handle members are very different from the first and second handle members disclosed and claimed in accordance with the present invention. In particular, neither of the handle members disclosed by Knouse includes a second end which is free and unconnected to the appliance.

The reliance upon the statement in the rejection of “the first handle member is capable of being free and unconnected to the appliance (by removal of 23)” to meet the claimed limitation is now deemed improper. First, if fastener 23 was removed the device of Knouse would be extremely dangerous to use. Second, removal of fastener 23 of Knouse may result in it being unconnected, but it is certainly not free. That is, it would still remain in contact with the appliance and not be free as disclosed and claimed by Applicant. The utilization of a free and unconnected second end of the first handle member is critical to operation of the present invention in that it allows for greater versatility in shifting the user’s hands while working with the appliance. In addition, by providing a free and unconnected second end of the first handle member, the present invention is further allowed to utilize a swivel member shaped and dimensioned for positioning a thumb of a user thereon. The swivel member is secured at the second end of the first handle member and allows for rotation thereof relative to the remainder of the handle to allow for both left and right handed users

to readily take advantage of the present invention. Without leaving the second end of the first handle member free and unconnected to the appliance, it would be impossible to utilize a swivel member as claimed and disclosed in accordance with the present invention.

In addition, the saw disclosed by Knouse does not extend downwardly from the second handle member along the longitudinal axis of the second handle member. This distinction is very important to the operation and use of the present handle in conjunction with preferred appliances, for example, a hand mixer. By positioning the appliance downwardly from the second handle member along the second longitudinal axis, ideal weighting of the total appliance is achieved in a manner which optimizes the usefulness of the present handle in conjunction with a mixer. This allows the user to hold this mixer in a variety of orientations without undue arm strain encountered by using less ergonomically designed handles.

The entire intention and purpose for which the present handle was conceived has been overlooked in applying Knouse to the claims of the pending application. To begin with, the very specific design of the present ergonomic handle with a two-position grip, including a swivel member for a rotating thumb rest to aid in keeping a natural fist position, versus a more generic smooth handle with a two-grip position, was conceived in order to achieve a variety of goals.

Specifically, the present ergonomic handle is natural (like an easy fist) and very comfortable to hold and control during use, in either the vertical position or the horizontal position. The purpose of a dual grip is to give the user an advantage based on the density of the mixture he is working with. Sometimes more force exerted downward is needed, especially in the early stages to break the mixture up before beating it to the desired consistency and thus one would grip the

horizontal handle. The user could then switch and grip the vertical handle after the mixture is broken up and more comfortably mix.

Thumb positioning was also greatly considered, in particular, the contour of the thumb support and the positioning of the thumb directly over the index finger when the handle is gripped. In addition to comfort, the thumb supports provided in accordance with the present handle serve to enhance maneuverability, while achieving better control of the appliance during use.

In addition, the present design provides a non-stress handle that is ergonomically correct for both left and right hand use by allowing the thumb support to swivel. The ergonomic handle design of the present invention is crucial to properly align the arm and body of an individual for use, while further reducing stress to the upper body, neck, shoulders, and back. The vertical grip is designed to keep the user's upper arm parallel to the body, this helps brace the arm during use to further reduce stress, while the lower portion of the arm is free to move easily left to right to achieve the task at hand.

Handheld kitchen mixers currently on the market have the user's arm and elbow flying through the air in an unnatural and very uncomfortable position. Even when mixing (whipping) something as soft as heavy cream to whip cream, for a relatively short period of time, fatigue quickly sets in. While the Examiner notes the Knouse handle could be gripped and used in any orientation, the Knouse handle is not designed to keep the body and arm properly aligned during use. It is simply a handle to grip and manage the best that the user can, with arm and elbow flailing. If one grips the Knouse handle on either the vertical or horizontal orientation, one would have to rotate his upper arm out 90 degrees in order to then move the handle in a sweeping left to right motion. The Knouse handle by form and design is intended for a firm grip and finger activation for safety and

ease of use, as well as a back and forth motion for optimal performance. By design, it is not intended for a sweeping left to right motion and it would be awkward to try and move the device of Knouse in a sweeping motion. This uncomfortable design flaw in current handheld kitchen mixers is where the idea and the design process originated. Although the initial design is intended for use on a handheld kitchen mixer, there could easily be other applications. This could include an iron, for use on an ironing board, as well as any other handheld appliance or tool that requires a similar left to right sweeping motion, ideally at counter height, for optimal comfort and ease of use.

With the foregoing in mind, it is Applicant's opinion, amended claim 1 overcomes the prior art of record and Applicant respectfully requests that the rejection based upon Knouse be withdrawn.

As to those claims dependent upon independent claim 1, they are believed to be overcome for the reasons discussed above and Applicant requests these rejections be withdrawn.

With regard to claim 6, the indentation is now defined to be on the upper surface of the first handle member and no such structure exists in Knouse. With this in mind, claim 6 is also believed to overcome the prior art of record for the reasons presented above.

With regard to claim 7, this claim was previously amended so as to define that the swivel member is shaped and dimensioned to be continuous in shape with the remainder of the first handle member and now is amended to define that it is located at the free end of the first handle. The outstanding Office Action apparently has applied the trigger structure or some made up portion of the handle near the trigger to read upon the swivel member. However, there is no structure of Knouse which can be construed as a swivel member as defined by Applicant. The so-called portion of Knouse is not continuous in shape with the remainder of the handle member and is not located

at the end of the free end. Further, it would be impossible to be located at the free end of Knouse as Knouse does not include a handle with a free end. With this in mind, claim 7 is also believed to overcome the prior art of record for the reasons presented above.

With regard to claim 8, the so-called portion of Knouse fails to show a ridge on the far end of the swivel member. With this in mind, claim 8 is also believed to overcome the prior art of record for the reasons presented above.

With regard to claim 12, the disclosure of Knouse fails to teach the appliance to be a mixer.

With the foregoing in mind, it is Applicant's opinion that the outstanding rejections have been overcome and Applicant respectfully requests that the rejections be withdrawn. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John L. Welsh', is written over a horizontal line.

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